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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 **PEOPLE OF THE STATE OF CALIFORNIA**
17 ***ex rel.* BILL LOCKYER, ATTORNEY**
18 **GENERAL OF THE STATE OF**
CALIFORNIA,

19 Plaintiff,

20 v.

21 **NATIONAL HIGHWAY TRAFFIC SAFETY**
22 **ADMINISTRATION; DEPARTMENT OF**
23 **TRANSPORTATION; and OFFICE OF**
MANAGEMENT AND BUDGET,

24 Defendants.
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Case No.: C 06-02654 SC

STIPULATION AND ~~PROPOSED~~
ORDER RE DOT'S PRODUCTION
OF VAUGHN INDEX

1 WHEREAS Plaintiff People of the State of California *ex rel.* Bill Lockyer, Attorney
2 General of the State of California, plan shortly to file a motion to compel Defendants the
3 Department of Transportation (“DOT”) and the National Highway Traffic Safety Administration
4 (“NHTSA”) to produce an index pursuant to *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973) (a
5 “*Vaughn* index”);

6 WHEREAS in order to preserve judicial resources and in the spirit of compromise, Plaintiff
7 and Defendants DOT and NHTSA have reached agreement with respect to the production of a
8 *Vaughn* index;

9 NOW, THEREFORE, Plaintiff People of the State of California and Defendants DOT and
10 NHTSA, by and between their counsel of record, hereby stipulate and agree as follows:

11 1. Defendant DOT shall prepare and provide Plaintiff with a *Vaughn* index no later than
12 October 20, 2006, which index shall include any requested but withheld documents that are the
13 subject of this suit in the possession of DOT, including those in the possession of NHTSA, an
14 agency within DOT;

15 2. The index will be an itemized index of the documents withheld by DOT that are the
16 subject of this suit, indicating in detail, with respect to each document or segregable portion
17 thereof, the nature of the information contained in it and the justification for withholding it; and

18 3. Plaintiff shall not file a motion to compel production by DOT or NHTSA of a *Vaughn*
19 index if DOT provides the index described above by October 20, 2006, but Plaintiff reserves its

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1 right to challenge the adequacy of the index provided.

2 IT IS SO STIPULATED.

3 PLAINTIFF PEOPLE OF THE STATE OF
4 CALIFORNIA ex rel. BILL LOCKYER, ATTORNEY
GENERAL OF THE STATE OF CALIFORNIA:

5 Dated: 8/25/06

/S/ LAURA J. ZUCKERMAN

6 Deputy Attorney General

7 KEVIN V. RYAN
8 United States Attorney

9 Dated: 8/25/06

/S/ JULIE A. ARBUCKLE

10 Assistant United States Attorney
Attorneys for Defendants DOT and NHTSA

11 Pursuant to the stipulation set forth above, IT IS SO ORDERED.

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14 Dated: August 29, 2006

